



# DAILY EXPRESS.

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## LOUISVILLE.

WEDNESDAY, NOVEMBER 3, 1869.

### The Ancient Weregild.

Is there no remedy for the wholesale slaughter of human beings now almost daily occurring upon our rivers? The ink is scarcely dry upon the paper which recorded the destruction of the Stonewall with its more than two hundred immortal souls ushered into eternity without a moment's warning. And why was this? For the want of care of those in charge of this precious cargo in permitting a lighted candle to come into contact with inflammable hay—not for any necessary object, but to light the wickedness of a game of cards! Oh! what a terrible game of cards that was, thus untimely played upon the steamer Stonewall!

It may well be questioned whether advancing civilization has made life secure in proportion to its progress. The customs of some barbarous nations, long ago, threw around human life a protection not known to our times. If the Stonewall had destroyed its great cargo of life thousands of years ago, the victims might have gone down to death but not to silence, for the relatives of each one would have demanded and received of those who caused the disaster compensation for every life that was lost. And it is a question worthy of grave consideration, whether the owners of steamboats would not be more careful of life if they were compelled to pay for every death they caused.

We learn from the Homeric poems that it was a custom among the Greeks of the golden time to make the party who had caused the death of another pay the surviving relatives for the life thus destroyed.

After a brother died,  
On just at once, we rent the dead.  
A sire the slasher of his son forges  
The price of blood discharged, the slayer  
Lives.

The above passage occurs in the speech of the great Ajax book, 9th line, 733 of the Head; and the same custom is shown to have existed in book 18th, line 577, where, upon the shield of Achilles, is represented a scene in court, in which the friends of the slain are claiming compensation from the slayer for the life that was taken.

"There in the forum swarm a numerous train.  
The subject of debate, a townsmen slain.  
One pleads the due discharged, while one  
Denies it, and the law decide."

Tacitus, also, in his account of the manners of the ancient Germans, tells of a similar custom among those barbarians. In chapter 21st, we find the following passage: "Atonement is made for homicide by a certain number of cattle, and by that satisfaction the whole family is appeased; a happy regulation which nothing can be more conducive to the public interest, since it serves to curb the spirit of revenge which is the natural result of liberty in the excess."

But we need not go to the records of the ancient Greeks and Germans for a law which made the killing of man by his fellow man less frequent, because the slayer had to pay the relatives of the deceased for the life he had taken. It was the old common law of England, from which we have derived the laws of our own land. Blackstone in the fourth book of his commentaries, page 313, and calls the price that was paid for taking human life weregild. In the Saxon laws, in the time of King Athelstane, was fixed the weregild for each rank of life. If the King was killed, his destroyer had to pay to the royal family 30,000 thrymsas—the thrymsa being about twenty-five cents of our money. The price of a prince's head was half that sum. That of a bishop was 8,000, a sheriff 4,000 and a clergymen 2,000. If a peasant was killed, his wife could demand 265 thrymsas for his life, and the party that had killed him was compelled to pay it.

It thus seems that by the old common law of England whoever caused the death of his fellow man had to pay for the life he took. Nor was this the naked law without a remedy. The courts of the realm were open for suits to be brought to compel the payment of the weregild. The old common law action of appeal was the remedy afforded every wife whose husband had been killed, and every male heir whose ancestor had thus been stricken down. The action was prosecuted, and the slayer compelled to pay the money to the wife or the heir—even the king could not pardon the culprit nor remit the payment of the weregild.

That we say was the old common law of England, and the right of action for death did not at the time we speak of die with the party killed. It was the refinement of a later age which not only did away with the common law right of the wife to sue for compensation for her slain husband, but which merged the private right of action, or rather suspended this remedy in the right of the State to punish by indictment, &c. In the reign of George III an act of Parliament abolished the old common law action of appeal, and that put an end to the law of weregild, or payment to the wife and heir for the husband and father slain.

It may well be questioned, however, whether the doing away with the ancient weregild was wise. There has been a terrible recklessness of life among those who think the victims of their carelessness can bring no action against them. Many men who would not murder will yet be guilty of conduct equally as fatal to life as the dagger and the bullet. If they thought that

their responsibility did not end with the life of their victims, but that husbands, wives, fathers, mothers, brothers, sisters, sons and daughters, would bring suit against them and make them pay for the lives they destroy, it may well be questioned if some of them, at least, would not be more careful of life.

And it seems that some of our States are taking this view of the subject, and restoring the old common law action of appeal in another form. We have a statute in this State which gives to the personal representative the right to sue for damages for life that is destroyed by willful neglect. And if all the States bordering upon our navigable rivers would pass a similar statute, we venture to predict that fewer lives would be lost by the burning, the sinking and the destruction of steamboats. Let the owners of boats understand that when passengers are killed on their boats the right of action does not die with the deceased; but that the personal representative may sue and recover punitive damages for every life destroyed, and there will be less destruction of life. Our age is one of money. The almighty dollar rules in death as well as in life. And if criminal laws won't or can't prevent the wholesale destruction of our race, laws sounding in pecuniary damages can and will prevent it. We must go back to the old common law, and make a man pay for killing his fellow-man, whether we can hang him or imprison him for it or not. Juries will often give damages in money when they would neither hang nor imprison. The money or damages punishment is, therefore, more certain; and while it is more sure, it affords relief to the bereft in many sad instances. It does the widow of a slain husband no good to imprison or hang the destroyer, but it may do her and her children much good to make the culprit pay money for the support of the family. And as Kentucky has, by her recent statute, gone back to the old common law, that ought never to have been abandoned, we hope other States will follow her example. Revive the old common law action of the days of King Athelstane, which was unwise repealed by George III, and let every slayer of a human being, from malice or negligence, be compelled to pay money therfor, and there will be fewer of our race brought to a violent death. The old doctrine of weregild that estimated a man's life at so many dollars, would be of service in this age of dollars. Not that the rich man may kill all for whom he can pay; but that no man, rich or poor, shall kill his fellow man, nor cause him to be killed from malice or negligence, and not pay money therefor in addition to any punishment the State may inflict.

## The New York Elections.

Enough is known of the election which came off in New York yesterday to determine how the State has gone. The great question made was the right of negro suffrage, which was submitted to the people as a proposition, separate and distinct. There can, therefore, be no mistake about the sentiment of the State upon this question. The negro was made to stand upon his own merits; and the people of New York, thus looking upon our fellow-citizen of African descent, said yesterday, in language not to be misunderstood, that negro suffrage could not be allowed. The opponents of negro suffrage lost in the city of New York, but in the State at large, where the great Democratic heart beats in unison with the music of the government, as our fathers made it for the white man, their gains were marked and decided. The negro is done for in the great State of New York, and Greeley & Co. may now go to work for the manufacture of other thunder for future campaigns.

The vote yesterday will not perhaps save the State from the Fifteenth Amendment; for that curse has already gotten into the State department at Washington in such a shape that trickery can count New York for it. But the verdict of the people yesterday shows that New York is against the Fifteenth Amendment; and if the powers that be at the Federal capital respect the wishes of a great state like New York, they will not count that State for the amendment. Nothing, however, is to be thus expected of Radicalism, and New York will no doubt be counted for the Fifteenth Amendment, though she has voted overwhelmingly against it.

In a recent work on China, by the Rev. Mr. Nevins, occur some amusing illustrations of translating from English into the Chinese jargon, known as pigeon English. The author says: "I saw, before leaving China, a translation into this dialect, by an Englishman, of the address familiar to most schoolboys, 'My name is Norval; on the Grampian hills my father feeds his flock.' &c.; a few sentences of the beginning of which may be given, by way of illustration, as follows: 'My name b'long Norval. Top shode Keh-lampian hill my fader chow-he sleep.' Hardly a word of the next sentence, 'A frugal swain, whose constant care is to increase his store,' has any equivalent in this poverty-stricken tongue, so a free translation is made: 'My fader very small heartee man—too much like dat picci doll.'"

The natural oyster beds at Stony Creek, Connecticut, have for many years been claimed by certain persons as their exclusive property, but by a recent decision of the Supreme Court of the State it was decided that the privilege of dredging was owned in common by all the inhabitants of the township of Branford, where the deposit of shell-fish is situated. The dredging of the oysters has been regulated by a township ordinance, and no one person can take more than five bushels in one day. When the decision of the Supreme Court was announced, the entire population of the township turned out in sail boats, skiffs and scows, forming a large fleet, and celebrated the legal victory by each man taking his allotted five bushels.

It is said that Hyacinthe will start a newspaper. The devil will get after him then, sure.

## CITY ITEMS.

### New York City in Louisville.

Two very large audiences paid their respects to Bullard's Panorama of New York City, at Masonic Temple, yesterday. Few people who have not visited the great metropolis have any conception of its magnitude or the wonders that present themselves on every hand throughout its vast domains. We have often heard it said that a visit to New York was worth five hundred dollars to any man; and we are told that as much information can be gained from this Panorama as from a week's sojourn in the city itself. It is, as a writer says, a beautiful representation of Broadway, so well executed that it would deceive a Broadway omnibus horse, and make him think he had got back again among the jam, noise and confusion of the city. It exhibits every day this and next week, at 3 and 1/2 o'clock.

From an Eminent Physician of Boston.

"While in Germany, last year, I suffered at one time greatly from the disease which has so many years been my misery. A worthy German confrere advised me to use HOFF'S MALARIA EXTRACT, and I am able to testify that it was greatly benefited by it. I have recommended it to many persons in my travels, suffering from dyspepsy, and always with benefit to them."

PARIS, June 1869.

SOLD BY ALL DRUGGISTS AND GROCERS.

Joseph Roth,

Merchant tailor and clothier, No. 99 East Market street, near Floyd, calls the attention of all who wish the *best goods at the lowest prices*, to his fine assortment of made-up garments, as well as his splendid stock of material. Your measure will be taken, if desired, and a perfect fit guaranteed. Full supply of furnishing goods always on hand.

262 Mo'ev & Szn.

FINE PHOTOGRAPHS.

Portraits, porcelain pictures, &c., all sizes, at very reduced prices, at No. 138 Main street, Elrod's old gallery. Everybody takes them, now.

DRUGGISTS.

# DAILY EXPRESS.

LOUISVILLE.

WEDNESDAY, NOVEMBER 3, 1869.

## LAST NIGHT'S DISPATCHES.

### WASHINGTON.

#### Public Interest in the State Elections.

#### Tennessee State Bank Decision.

#### Gen. Belknap's First Appearance in Any Cabinet.

#### Partial Failure of Virginia Tobacco Crop.

### THE ELECTIONS YESTERDAY.

WASHINGTON, Nov. 2.—Public interest here to-day has generally centered in the State elections, especially in New York, wherein Greeley's position on the Radical ticket has given it unusual interest. Dispatches are bulletined to-night in the local newspaper offices as well as in those representing distant journals by its wisdom, firmness, and justice.

### FOREIGN.

#### ENGLAND.

##### GRAIN TRADE OF THE UNITED STATES.

LONDON, Nov. 2.—The Times to-day comments on the rapid increase in the importations of wheat from the United States. The most interesting question, it says, is the extent to which it can be kept up in competition with Russia and Central Europe when railways in the section are fully developed. The great question for the United States to consider in this connection are the reduction in freights and other charges and the enlargement of communication with the Mississippi Valley.

#### EGYPT.

##### FOUNDING THE SUZ CANAL.

LONDON, Nov. 2.—A dispatch from Alexandria states that M. Pauline has surveyed the Suez canal, and finds the water twenty feet deep in the shallowest part.

##### EGYPTIAN DETERMINES TO GO THROUGH.

The Captain of the Imperial yacht Aigle has informed the Empress that he cannot make the passage through the canal, his boat drawing too much water. The Empress insists that new soundings be made, and, if the Aigle be not able to go through, a lighter vessel be procured, as she is determined to go through the canal.

#### RUSSIA.

##### GOV. CURTIN ADDRESSES THE CZAR.

ST. PETERSBURG, Nov. 2.—Hon. A. G. Curtin, American Minister, in addressing the Czar, expressed his pleasure at being able to repeat the sentiments of admiration and esteem entertained by the Government of the United States towards the Czar, and its hopes and desires for a continuation of those feelings, and for the well being of the present Government of Russia, which has been made glorious by its wisdom, firmness, and justice.

#### FRANCE.

##### THE PRUSSIAN AMBASSADOR.

PARIS, Nov. 2.—The newly appointed Ambassador for Prussia arrived to-day.

##### A SUSPICIOUS CROWD.

A great crowd of people have assembled at Mont Matre Cemetery. The police are on hand and in force, but their services are apparently not needed. The city is tranquil.

#### IRELAND.

##### ARCHBISHOP CULLEN'S PASTORAL.

DUBLIN, Nov. 2.—Archbishop Cullen, in a pastoral just issued, exhorts all members of societies similar to the Fenian organization to abandon them. He avers to the evils sustained by Spain and Italy through the actions of secret societies, and says members of such organizations will incur the penalty of excommunication, and cannot participate in the Eucharist.

#### GERMANY.

##### SHAKEN BY AN EARTHQUAKE.

FRANKFORT-ON-THE-MAIN, Nov. 2.—Quite a heavy shock of an earthquake was felt last evening throughout Germany, particularly in Darmstadt, Weisbaden, Mayence and Frankfort.

#### AUSTRIA.

##### END OF THE INSURRECTION.

VIENNA, Nov. 2.—Advices from Cottagers announce that the capitulation of the insurgents is hourly expected.

#### SPAIN.

##### CABINET RECONSTRUCTION.

MADRID, Nov. 2.—The Cabinet has been in part reconstructed. Martebo has been appointed Foreign Secretary and Figaro Minister of Finance.

#### NASHVILLE.

##### DEFEAT OF THE COOPER INELIGIBILITY RESOLUTION—A Johnson and Anti-Johnson Party—A. J. S. Prestige Gone—Official Pap.

Two hundred and forty-four petitions have been prepared at the office for OWA Indian trust lands in Kansas, purchased by various parties under the direction of the Commissioner of Indian Affairs. The aggregate area covered by the petitions is 2,227,237 acres.

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A gentleman in the interest of Virginia who has traveled extensively in that state writes that the tobacco crop will reach only about two-thirds of the average yield, but that the prices are high enough to equalize in value what will be lost in quantity.

### COMPLIMENT TO GEN. BELKNAP.

WASHINGTON, Nov. 2.—A large number of citizens assembled to-night at the residence of Col. Dayton, where Gen. Belknap is temporarily quartered. Justice Belknap, of that State, addressed him in behalf of the citizens of Iowa, expressing their gratification at his appointment as Secretary of War, and complimenting him on his distinguished services during the war. Gen. Belknap replied, expressing his gratitude for the compliment, enclosing the sum of \$100 for the rapid development and steadfast adherence and support of the Union and Republican party, and pledging himself to so administer the affairs of the War Department as to command the approval of the country.

### NEW YORK.

#### RESULT OF THE ELECTION IN THE CITY AND STATE.

#### DEFEAT OF THE JUDICIARY ARTICLE OF THE NEW CONSTITUTION.

#### CRIMINAL DOINGS ON THE JERSEY SHORE.

NEW YORK, Nov. 2.—The total vote for Secrecy in State, in the city, is 116,682, Nelson, (Dem.), 73,932; Sigel, (Rep.), 36,750. A large number of German Democrats have voted for Sigel, but the Democratic loss in the city is made up by gains in the State. The State has gone Democratic by about 10,000 majority. In this city the votes in favor of the judicial article of the new constitution could not be had. The Republicans are intensely excited, one of their leaders, C. J. Spencer, being charged with having burned the tickets. Hence there will probably be an almost certain defeat of the only article of the new constitution upon which the Radicals could rely.

A series of crimes of a frightful character occurred in the middle of the night of Monday at a settlement called Bomby Hook, on the Jersey shore, between the Palisades and opposite York. A man named Dickey, returning to bed with his wife at about 9 o'clock. He was awakened about 1 o'clock by some slight noise, and then discovered that his wife was absent from the room. Seizing a revolver he ran down stairs, and there, as he always discovered Mrs. Dickey with a man named Collin Calhoun in a sickening position on the floor. He immediately shot Calhoun dead and also fired at his wife, wounding her, it is thought, mortally. Dickey then made his escape from the village, but was subsequently captured in a boat on the Hudson river. An immediate investigation into the horrible circumstances will be made.

#### PITTSBURG.

##### PROTECTION FOR MONTANA—MUNICIPAL ELECTION—CITIZENS' TICKET ELECTED—SUICIDE.

CHICAGO, Nov. 2.—A special from St. Paul says that Hon. N. P. Langford has arrived there from Helena, Montana. He comes at the request of the Legislature to confer with General Hancock in regard to the protection of the people of Montana from outrages by hostile Indians, who are preparing to drive the whites from the country. The people demand a speedy increase of mounted troops, and also to raise volunteers to protect the Indians from the depredations.

The election to-day has been conducted in a very quiet manner. The vote is not large. At this hour, 6 o'clock p.m., the election of the citizens' ticket by a large majority is very generally conceded.

Mrs. Matilda Thompson, aged about twenty years, and who has been employed in a boarding house of Mrs. Boerhaave, on Indiana street, for some time past, suddenly disappeared Sunday night. From letters she left and utterances which she made, it is believed she has committed suicide, as no trace of her can be discovered.

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#### PITTSBURG.

##### TROOPS FOR THE FRONT.

HAVANA, Nov. 2.—The 6th Battalion Mobilized Volunteers have gone to the seat of war.

### THE ELECTIONS.

RETURNS FROM NEW YORK, MASSACHUSETTS, NEW JERSEY, WISCONSIN, MINNESOTA, MARYLAND, ILLINOIS, ETC.

NEW YORK DEMOCRATIC BY A LARGE MAJORITY.

MASSACHUSETTS ABOUT DIVIDED ON THE LIQUOR QUESTION.

Horace Greeley LARGELY AHEAD OF HIS TICKET.

NEW YORK.

NEW YORK, Nov. 2, 9:30 a.m.—Returns thus far received from the interior of the State show uniform Democratic gains as compared with the Presidential vote of 1868. This city gives an immense Democratic majority in a total vote of perhaps 125,000. Too early yet to estimate the majority, but there seems not a doubt of the election of the entire Democratic ticket.

Mr. Greeley runs ahead of his ticket.

The following returns received from interior towns, cities, and districts are given without attempting classification. Losses are gains in all instances, excepting upon the Presidential vote of 1868, when Horatio Seymour had precisely 10,000 majority over Grant.

Troy county—Troy—Sigel, 55 majority; Republican loss, 32.

Albion county—Cohesville—Nelson, 23 majority; Republican loss, 33.

Onondaga county—Tully—Sigel, 151 majority; Republican gain, 4.

Herkimer county—German Flatts—Sigel, 106 majority; Republican loss, 72.

Kingsley county—Baldwinsburg—Sigel, 100 majority; Republican loss, 12,000 last year.

One hundred and twenty towns and parts of towns scattered throughout the interior of the State, and including those already reported, give a Democratic gain of 4,082.

Utica—Utica—Sigel—Sigel, 27 majority; Republican loss of 10.

Chenango county—Cooperstown—Sigel, 100 majority; Republican gain, 22.

Broome county—Binghamton—Sigel, 100 majority; Republican loss, 10.

Schoharie county—Columbia—Sigel, 100 majority; Republican loss, 10.

Jefferson county—Windsor—Sigel, 100 majority; Republican loss, 10.

Oneida county—Utica—Sigel, 100 majority; Republican loss, 10.

Madison county—Utica—Sigel, 100 majority; Republican loss, 10.

Onondaga county—Syracuse—Sigel, 100 majority; Republican loss, 10.

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